

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY** )  
**COMMISSION,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**THE WHITING-TURNER** )  
**CONTRACTING COMPANY,** )  
 )  
**Defendant.** )

**Civil Action No. 3:21-cv-00753**  
**Chief Judge Crenshaw**  
**Magistrate Judge Newbern**

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**DEFENDANT’S MOTION FOR RECONSIDERATION IN SUPPORT OF  
ARGUMENTS MADE DURING MARCH 2, 2023 PROCEEDINGS**

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Defendant The Whiting-Turner Contracting Company (“Defendant” or “Whiting-Turner”) hereby files this Motion for Reconsideration of the Court’s March 3, 2023 Order (“Order”) granting in part and denying in part its Expedited Motion to Modify the Initial Case Management Order by Extending the Fact Discovery Deadline for the Limited Purpose of Allowing Defendant to Depose Eleven Claimants. Magistrate Newbern specifically authorized the filing of this Motion for Reconsideration in her Order: “As stated in the hearing, if any party seeks reconsideration of this Order on the basis of evidence not provided at the March 2, 2023 hearing, it may file a motion by March 3, 2023.” (Doc. 221, p. 3). As grounds, Defendant states that additional evidence indeed exists to show that the Order was premised on an incomplete picture of the events surrounding the depositions of William Richburg, Robert Nettles, and Reginald James. Further, Defendant argues that claimant Quevis Wright, who failed to attend his subpoenaed deposition (without providing either Defendant or Plaintiff with *any* prior notice or explanation) should be precluded from providing any evidence in this case due to his avoidance of deposition. Given his unilateral refusal

to attend his subpoenaed deposition, further accommodation of Mr. Wright, at this late date, at the expense of Defendant is unwarranted. A memorandum of law is contemporaneously filed in support.

Defendant respectfully requests that this Court reconsider its March 3, 2023 Order to include William Richburg, Reginald James, and Robert Nettles in the group of Claimants that Defendant is permitted to depose in light of the additional evidence provided herein.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 3, 2023, I electronically filed the foregoing *Defendant's Motion in Support of Arguments Made During March 2, 2023 Proceedings* with the Clerk of the Court using the CM/ECF system, which will serve electronic notice to the following parties of record:

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